



**Department of Public Service and Administration**

**POLICY ON REASONABLE ACCOMMODATION AND ASSISTIVE DEVICES FOR  
EMPLOYEES WITH DISABILITIES IN THE PUBLIC SERVICE**

## TABLE OF CONTENTS

Item		Page
1	Definition of Terms	2
2	Introduction	7
3	Scope of Application	8
4	Problem Statement	9
5	Objectives	9
6	Rationale	10
7	Mandating Frameworks	10
8	Principles	11
9	Budgeting and resource allocation	11
10	Provision of reasonable accommodation measures and assistive devices for Persons with Disabilities in the workplace	12
11	Categories of Assistive Devices	14
12	Procurement, transfer and disposal of Assistive Devices	14
13	Utilization, repairs and maintenance of Assistive Devices	14
14	Accessibility	15
15	The roles and responsibilities of the different role-players in the provision of assistive devices	15
16	Transportation for employees with disabilities to and from the Public Service workplace	16
17	Personal Assistants and/or Caregivers	17
18	General issues	18
19	Interpretation	18
20	Revision of the Policy	19
21	Effective date	19
22	Reporting requirements and Monitoring and Evaluation	19

## 1. DEFINITION OF TERMS

### **Access**

A means or way to:

- easily and safely approach, reach, enter, use and benefit from a physical space, building, facility or service
- locate, retrieve, understand and appropriately use information
- participate in economic, social, cultural and political activities
- enjoy and exercise rights and responsibilities

### **Accessibility**

The extent to which aspects of society can be equally, easily, safely, and appropriately used or reached by people with special needs or impairments. Accessibility describes the extent to which an environment, service or product allows access to as many people as possible, in particular to people with disabilities (World Disability Report, 2011).

These aspects include buildings, facilities, constructed spaces, transport, information, equipment, services, activities, resources, utilities, language, communication and technology.

### **Adaptive Behaviour**

*Adaptive behaviour* is the collection of conceptual, social, and practical skills that are learned and performed by people in their everyday lives.

- Conceptual skills—language and literacy; money, time, and number concepts; and self-direction.
- Social skills—interpersonal skills, social responsibility, self-esteem, gullibility, naïveté (i.e., wariness), social problem solving, and the ability to follow rules/obey laws and to avoid being victimized.
- Practical skills—activities of daily living (personal care), occupational skills, healthcare, travel/transportation, schedules/routines, safety, use of money, use of the telephone.

### **Affirmative Action**

The proactive recruitment of people with disabilities to implement the provisions of the EEA

## **Assistive devices and technologies**

Any device designed, made or adapted to help a person perform a particular task. Products may be specifically produced or generally available for people with disability. (World Disability Report, 2011)

## **Barriers**

Obstacles and impediments that prevent people from free movement, decision-making, association and participation. They may be environmental (physical) or created by attitudes and systems that limit functioning and create disability.

## **Braille**

A system of writing for individuals with visual disabilities that uses letters, numbers and punctuation marks made up of raised dot patterns. It was the first digital form of writing.

## **Communication**

This refers to verbal and non-verbal means of conveying information. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)(2007) defines communication as inclusive of languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication as well as accessible information and communication technology.

## **Disability**

The UNCRPD (2007) recognises disability as an evolving concept which results from the interaction between persons with impairments and attitudinal and environmental barriers. It recognizes persons with disabilities as those persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

## **Disabled People's Organisations**

Organisations constituted to lobby for the protection of human rights for people with disabilities. The membership comprises of predominantly people with disabilities and their families.

## **Disclosure of disability**

This is a voluntary notification by an employee to an employer that the employee has a disability. Disclosure is sometimes an issue for people who have a non-evident disability. These disabilities may range from a minor sensory impairment, to epilepsy and diabetes, including cognitive disabilities such as dyslexia as well as psychiatric disabilities.

## **Discrimination**

It refers to treating people who are different from you in an unfair, biased or prejudicial way. According to the Promotion of Equality and Prevention of Unfair Discrimination Act, discrimination may be an act, omission, policy, law, rule, practice, condition or situation which imposes burdens, obligations or disadvantages on; or withholds benefits, opportunities or advantages from, any person on the grounds of disability (amongst other grounds). It might disadvantage a person, undermine human dignity or adversely affect an individual's rights and freedoms.

In terms of Article 2 of the UN Convention on the Rights of Persons with Disabilities, "Discrimination on the basis of disability" refers to "...any distinction, exclusion or restriction on the basis of disability which has the effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.

## **Disability Discrimination**

Any distinction, exclusion or restriction of persons on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, on all human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. It encompasses all forms of unfair discrimination, whether direct or indirect, including denial of reasonable accommodation

## **Exclusion**

To be prevented by social systems from participating or benefiting; being shut out or left out because society is unable to accommodate different or special needs.

## **Full participation and equality**

Equal participation would take place if equalization of opportunities to participate is provided through measures to enhance accessibility. Emphasis is on care, protection and assisting people with disabilities in adapting to “normal” social structures, to social models with their focus on empowerment, participation and modifications of environments to promote equalization of opportunities for all. Technological advances in the physical environment are reflected in the expanded range of materials that promote accessibility for all in terms of ease of use, durability and ergonomic design, and accessible media.

## **Gender equality**

Means equal recognition, enjoyment or exercise by a person, irrespective of his or her sex, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other aspect of life.

## **Gender equity**

Means fair treatment and equal opportunities and outcomes for all genders in all sectors of life through the recognition of their respective needs and interests.

## **Impairment**

The term impairment involves an anomaly, a defect, loss or a significant deviation in body structure or functioning. The impairment may be permanent or temporary, progressive or regressive. It can be physiological, intellectual, psychosocial, psychological or sensory in nature. An impairment which is associated with a cause does not imply illness or a disorder.

## **Intellectual disability**

*Intellectual disability* is a disability characterized by significant limitations in both **intellectual functioning** and in **adaptive behavior**, which covers many everyday social and practical skills. This disability originates **before the age of 18**.

## **Intellectual Functioning**

*Intellectual functioning*—also called intelligence—refers to general mental capacity, such as learning, reasoning, problem solving, and so on.

## **Mandatory**

Compulsory; must be done; commanded or ordered to act.

## **Reasonable Accommodation**

Reasonable Accommodation refers to necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms (UNCRPD).

## **Universal Design**

The UNCRPD defines universal design as the design of products, environments, programmes and services to be usable by all persons to the greatest extent possible without the need for adaptation or specialized design, including assistive devices and technologies for particular groups of persons with disabilities where these are needed.

## **‘Unjustifiable hardship’**

‘Unjustifiable hardship’ is an action that requires significant of considerable difficulty or expense. This involves considering, amongst other things, the effectiveness of the accommodation and the extent to which it would seriously disrupt the operation of the business.

## 2. INTRODUCTION

- 2.1 The Constitution of the Republic of South Africa guarantees every citizen the right to equality. It further identifies people with disabilities as one of the groups that were previously most disadvantaged across all spheres of life and therefore key to redress in the transformation of the country. People with disabilities are therefore prime beneficiaries of affirmative action measures including their appointment in the public service. This policy is intended to facilitate this process, and ensures that issues of disability are approached from a Human Rights perspective. Ultimately, the Public Service as a workplace needs to be conducive to people with disabilities.
- 2.2 One of the objectives of disability management in the Public Service, in addition to ensuring inclusion in the workplace, is to ensure equal access to employment, training and skills development opportunities, as well as career pathing of people with disabilities. The Public Service seeks to achieve this through the following measures:
- 2.2.1 Acceleration of the employment of people with disabilities in the Public Service in order to transform the public service sufficiently and to meet Cabinet approved disability equity targets;
  - 2.2.2 Ensuring the mainstreaming of disability issues across the Public Service policies and programmes;
  - 2.2.3 Establishing norms and standards for the provision of reasonable accommodation measures and assistive devices in support of transformation and equity in the Public Service.
  - 2.2.4 Working in collaboration with the Department of Public Works to ensure that both public sector owned as well as leased buildings are accessible to all in order to create a working environment that is free of discrimination especially to people with disabilities;
  - 2.2.5 Establishment of the Reasonable Accommodation committees to be chaired by Human Resource Managers; and
  - 2.2.6 Conduct exit interviews and come up with interventions where reasonable accommodation was a reason for an employee to leave the department.
- 2.3 Access to assistive devices and other relevant reasonable accommodation measures will supplement the initiatives as espoused in the JobACCESS Strategic Framework on the Recruitment, Employment and Retention of Persons with Disabilities in the Public Service.

## 2.4 Examples of reasonable accommodation:

- 2.4.1 Adapting existing facilities to make them accessible, e.g. building a ramp to ensure wheelchair access and making toilets accessible;
- 2.4.2 Adapting existing or acquiring new equipment, e.g. computer hardware and software, including voice input/output software for people with sensory impairments;
- 2.4.3 Re-organizing workstations to ensure that people with disabilities can work effectively and efficiently;
- 2.4.4 Changing training and assessment materials, processes and systems, e.g. providing training materials on request in electronic format, Braille or on tape for people with visual disabilities, identifying and hiring venues that are accessible to people with disabilities for training sessions that are held at external premises.
- 2.4.5 Restructuring jobs so that non-essential functions are re-assigned, e.g. taking routine but physically demanding filing tasks if they are non-essential from the duties of a person who uses a wheelchair and reassigning them on a rotational basis among the employees;
- 2.4.6 Adjusting working time and leave,
- 2.4.7 Providing specialized supervision, training and support in the workplace, e.g. interpreters for the deaf, readers to the blind, job coaches for people with intellectual disabilities or personal assistants for people with physical disabilities. Depending on the requirements of the individual, support might be temporary or permanent.

## 3. SCOPE OF APPLICATION

- 3.1 The policy applies to all National Departments and Provincial Administrations as listed under Schedule 1 and 2 of the Public Service Act, 103 Of 1994 (as amended).
- 3.2 The policy applies to the following categories.
  - 3.2.1 Senior Managers
  - 3.2.2 Supervisors / Employees
  - 3.2.3 Line Function Managers
  - 3.2.4 Job Applicants
  - 3.2.5 Interns
  - 3.2.6 Consumers of our service

#### **4. PROBLEM STATEMENT**

Public servants with disabilities are often not able to perform to the best of their abilities, often find themselves working in unsafe environments, and are often subjected to increased stress levels due to ad hoc provisioning of reasonable accommodation measures aimed at reducing or removing physical and communication barriers in the workplace. Reasonable accommodation measures have therefore not necessarily been linked to performance management systems, occupational health and safety measures or employee wellness programmes.

Misconceptions and lack of knowledge with regards to the provisioning of reasonable accommodation detract from the successful recruitment, retention and productivity of persons with disabilities in the public service.

#### **5. OBJECTIVES**

- 5.1 To facilitate the implementation of a programme for the provision of reasonable accommodation measures which include the provision of amenities and assistive devices to employees with disabilities which will in turn enable such employees to fully participate in the activities of departments;
- 5.2 To provide guidelines on the acquisition and disposal of assistive devices once an employee with a disability leaves a department for another, or exits the Public Service;
- 5.3 To provide guidelines on the provision of transportation by departments to and from work for employees with disabilities who cannot otherwise utilize the current public transportation system in line with Part X of PSCBC Resolution 3 of 1999;
- 5.4 To provide guidelines on the use of Personal Assistants and Caregivers by, and for employees with disabilities, and
- 5.5 To provide sign language interpretation services, where there is a need.

## **6. RATIONALE**

- 6.1 South Africa ratified the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol without reservation in 2007. Article 2 includes “denial of reasonable accommodation” as discrimination on the basis of disability.

Article 5, dealing with “Equality and non-discrimination”, requires of States Parties to take all appropriate steps to ensure that reasonable accommodation is provided in order to promote equality and eliminate discrimination.

Article 27, focusing on “Work and employment”, requires of States Parties to, among a number of measures, ensure that reasonable accommodation is provided to persons with disabilities in the workplace.

- 6.2 While the Employment Equity Act, 1998 (Act No. 55 of 1998) seeks to address, amongst others, the issue of inclusion of people from the previously disadvantaged backgrounds (blacks, women and people with disabilities), it also recognizes the attendant need for their reasonable accommodation which include the provision of assistive devices to employees with disabilities in order to fully enhance their participation in the workplace. The broad interpretation of reasonable accommodation relates to the specific needs of persons with disabilities; and
- 6.3 It is, therefore, important that the Public Service adopts a uniform practice regarding the provision of reasonable accommodation measures and the provision of assistive devices, and the acquisition and the disposal thereof.

## **7. MANDATING FRAMEWORKS**

- 7.1 The Constitution of the Republic of South Africa, 1996;
- 7.2 The United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol signed and ratified without reservation in 2007;
- 7.3 The Promotion of Equality and Prevention of Unfair Discrimination Act (2000);
- 7.4 Public Service Act, 1994;
- 7.5 White Paper on the Transformation of the Public Service, 1995;
- 7.6 The Employment Equity Act No. 55 of 1998;
- 7.7 White Paper on Affirmative Action in the Public Service, 1998 and the Code of Good Practice on Employment Equity;
- 7.8 White Paper on Integrated National Disability Strategy, 1997;

- 7.9 Code of Good Practice: Employment of People with Disabilities, 2002;
- 7.10 Technical Assistance Guidelines on the Employment of People with Disabilities;
- 7.11 The Job ACCESS Strategic Framework on the Recruitment, Employment and Retention of Persons with Disabilities in the Public Service, 2009
- 7.12 Occupational Health and Safety Act, 1993
- 7.13 National Building Regulations and Building Standards Act, 1977 and SANS10400-S
- 7.14 The Labour Relations Act No 66 of 1995;
- 7.15 PSCBC Resolution No. 3 of 1999, Remunerative Allowances and Benefits;
- 7.16 Resolution 1 of 2007, Determination on Leave of Absence in the Public Service; and
- 7.17 National Development Plan, Chapter 13, Building a Capable and Developmental State

## **8. PRINCIPLES**

- 8.1 Non-discrimination;
- 8.2 Full and effective participation and inclusion in society;
- 8.3 Equality of opportunity;
- 8.4 Accessibility; and
- 8.5 Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity.

## **9. BUDGETING AND RESOURCE ALLOCATION**

- 9.1 Departments are required to budget for reasonable accommodation and other measures for applicants and / or employees with disabilities, inclusive of the recruitment, appointment and retention processes. Departments need to allocate adequate resources in their MTEF for provision of an enabling environment for persons with disabilities.
- 9.2 Costing of reasonable accommodation measures is subject to, among others,
  - 9.2.1 Individual needs of the employee with a disability;
  - 9.2.2 Existing physical, attitudinal and communication barriers in the working environment
  - 9.2.3 Inherent job requirements of the post; and
  - 9.2.4 Price fluctuations, especially in a non-competitive environment where procurement of a large number of devices are subject to sole-providers.

9.3 Accounting officers are therefore required to make some provisioning on their annual budgets, linked to, among others:

9.3.1 The number of existing employees with disabilities and their reasonable accommodation requirements; and

9.3.2 Interventions detailed in the Department's Equity Plan submitted annually to the Department of Labour.

9.4 The Strategic Human Resources Plan of every Department should elaborate on reasonable accommodation measures.

## **10. PROVISION OF REASONABLE ACCOMMODATION MEASURES AND ASSISTIVE DEVICES FOR PERSONS WITH DISABILITIES IN THE WORKPLACE**

10.1 Article 2 of the Convention on the Rights of Persons with Disabilities defines "reasonable accommodation" as "necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms".

10.2 The type of reasonable accommodation measures required for an individual employee with a disability depends on the three main factors; namely the:

10.2.1 particular job and its essential functions;

10.2.2 physical and communication barriers in the work environment; and

10.2.3 person's specific impairment.

10.3 Reasonable accommodation and assistive measures are inclusive of:

10.3.1 Assistive devices and technology;

10.3.2 Personal assistance;

10.3.3 Adaptations to the physical environment and furniture;

10.3.4 Re-organisation of the workplace and/or duties of the employee to reduce stress; and

10.3.5 Sign Language Interpreters.

- 10.4 The obligation to make reasonable accommodation may arise when an applicant or employee voluntarily discloses a disability related accommodation need or when such a need is reasonably self-evident to the employer;
- 10.5 Reasonable accommodation should always be linked to the inherent requirements of a particular job that the person with a disability has been appointed to perform. It should add value to the performance of the functions attached to the job of the employee with a disability. Furthermore, reasonable accommodation should not be limited to requirements for job performance, employee wellness and/or occupational health and safety measures. Instead, accommodations must provide for full and equal participation of the employee in all activities in the workplace with intention to level the playing field through equitable participation;
- 10.6 The employee with a disability should at all times be consulted and allowed to provide inputs with regards to the most suitable reasonable accommodation measures, subject to it being motivated within the context of 9.2.1 and 9.2.2. In the case of doubt or difference, it is recommended that professional services should be utilized in order to arrive at the appropriate measure;
- 10.7 The Code of Good Practice on the Employment of People with Disabilities states that if reasonable accommodation for a qualifying applicant or an employee with a disability would impose unjustifiable hardship on the performance of the department, then the department need not accommodate such a person;
- 10.8 Whenever a request for reasonable accommodation or assistive device is declined, such a refusal to provide reasonable accommodation or assistive device by the employer must always be in writing, stating the reasons why the request has been declined and such records should be kept safe. A copy of any refusal should be submitted to the Department of Public Service and Administration; and
- 10.9 An employee with a disability whose request for reasonable accommodation or assistive devices has been declined must be afforded an opportunity to make representations to the Head of Department or Head of Institution against the decision not to provide reasonable accommodation measure or assistive device and the Executive Authority must be the final arbitrator.

## 11. CATEGORIES OF ASSISTIVE DEVICES AND SERVICES.

Assistive devices fall into two broad categories which are:

- 11.1 **"Independent living-related" assistive devices:** These devices are specific to the employee - they are prescribed and can only be used by that individual employee for purposes of independent living. These include, amongst others, artificial limbs, hearing devices, prostheses, wheelchairs, white canes. They provide support with all aspects of a person's life, including personal independence. ***It is not the responsibility of the employer to provide this category of devices;*** and
- 11.2 **"Employment related" assistive devices.** These devices provide specific support in the context of employment. Without these, an employee would not be able to perform his or her functions, or the quality thereof may be gravely compromised by the lack of such devices or reasonable accommodation measures, for example but not limited to, Dictaphone, Computer with voice activation, Note taker, Magnifier, Wheelchair, Telephone typewriter etc.

## 12. PROCUREMENT AND TRANSFER/DISPOSAL OF ASSISTIVE DEVICES

- 12.1 The procurement and disposal of Assistive Devices shall be executed in line with Section 38(1)(a)(iii) of the Public Finance Management Act, which maintains the implementation of appropriate procurement and provisioning system that is fair, equitable, transparent, competitive and cost effective.
- 12.2 The transfer of Assistive Devices from one department to another shall be handled in terms of Section 42 of the Public Finance Management Act and Treasury Regulations. They shall be accounted for, similarly with any other departmental asset.

## 13. UTILISATION, REPAIRS AND MAINTENANCE OF ASSISTIVE DEVICES

- 13.1 Employees with disabilities shall be personally liable for the repairs and maintenance of their personal Assistive Devices;
- 13.2 The employer shall be responsible for the routine maintenance and repairs of employment related Assistive Device; and
- 13.3 In case of the utilisation, repairs and maintenance of assistive devices:
- 13.3.1 Where an employee has to undergo training related to the use assistive device such as a blind employee who has to go for training with his/her guide dog, this employee would be

treated like any employee attending training governed by the Human Resource Development Policy; and

13.3.2 Where an employee has to undergo training to utilize equipment to access the workplace and to perform the job the same should be treated as official training while on duty

#### **14. ACCESSIBILITY**

14.1 The employer shall ensure that its built-environment where the employee works is accessible, taking into account the nature or type of a disability that the person has; and

14.2 The employer shall ensure that where necessary all communication, including information, is available in formats that are accessible to persons with different types of disabilities.

#### **15. THE ROLES AND RESPONSIBILITIES**

15.1 The employer shall:

15.1.1 comply with the obligations of the Employment Equity Act, including provision of reasonable accommodation without unjustifiable hardship;

15.1.2 provide reasons for unjustifiable hardship where applicable;

15.1.3 develop an application guideline with criteria for the qualification for an assistive device by the employee with a disability;

15.1.4 maintain an updated database of successful and unsuccessful applicants for assistive devices;

15.1.5 facilitate a service contract for the different suppliers;

15.1.6 provide professional assessment, in the instance where the person with disability does not know his/her exact requirements for an assistive device, or on specific request, by suitably trained staff in the relevant field;

15.1.7 assist with information, with regard to the assistive device and maintain and update the data base of suppliers of assistive devices;

15.1.8 work in collaboration with disabled people's organisations to improve service delivery and access to assistive devices, including employment opportunities for employees with disabilities;

15.1.9 establish a centralized committee (Panel) at National level consisting of representatives of all the departments overseeing all matters related to disability, including, ensuring the successful implementation of the policy, budget allocation, appointments of Caregivers/Personal Assistants and procurement of assistive devices based on merits and need; and

15.1.10 develop a policy on flexi time,

15.2 The employee shall:

15.2.1 apply for an assistive device through the line manager; and

15.2.2 undertake to care for the assistive device, and use it for the purpose for which it was intended.

15.3 Senior Managers shall:

15.3.1 Ensure that budget is allocated for disability management; and

15.3.2 Ensure the training, re-assignment and re-skilling of employees who acquire disabilities;

15.4 Department of Labour shall give guidance with regard to the relevant regulatory framework.

## **16. TRANSPORTATION FOR EMPLOYEES WITH DISABILITIES TO AND FROM THE PUBLIC SERVICE WORKPLACE**

The operation of reasonable accommodation measures for people with disabilities commences when an employee with a disability enters the workplace up until when he or she leaves the workplace.

16.1 With due consideration to the provisions contained in Part X of PSCBC Resolution 3 of 1999:

16.1.1 The employee with disability is responsible for his/her transportation and transportation costs to and from work;

16.1.2 The Head of Department must explore options, including effecting that he/she negotiates the amendments to the departmental policy (as required in terms of clause 2 of Part X of the PSCBC Resolution 3 of 1999) to provide transportation to its employees with disabilities who, as a result of the gravity of their disability, may not otherwise be able to utilize public transport, and who may not be able to drive nor qualify for any government subsidized transport;

16.1.3 Chapter X of the PSCBC Resolution 3 of 1999 gives discretionary powers to the Executing Authority to provide transportation to officials, with due regard to the specified tariffs; and

16.1.4 When a department decides to provide the said transportation for people with disabilities to and from the place of work, the terms and conditions as agreed upon must be in writing in a form of a departmental policy that has been well consulted with disabled employees in order to ensure consistency.

16.2 Noting the obligation that Part XI of the PSCBC Resolution 3 of 1999 places on the Employer to meet the reasonable costs of travel for official purposes and on an Executive Authority to have a written policy on among other acceptable means and class of transport, the Executive Authority shall ensure that:

16.2.1 One or some of the departmental vehicles are specially adapted for use by people with disabilities;

16.2.2 For purposes of the economic and efficient usage of departmental vehicles, all members of staff (with or with no disabilities) who are, in terms of existing travel policies in the department, permitted to use the departmental vehicles must be allowed to use the said vehicles;

16.2.3 The employee with disabilities shall be provided with appropriate transport or transported to and from an airport if the employee has to fly to other local and international destinations for official duties; and

16.2.4 The employee with disabilities shall be permitted to utilize an airline and class of travel that can accommodate his/her disability.

## 17. PERSONAL ASSISTANTS AND CAREGIVERS

17.1 Some employees with certain types of disabilities may require the services of personal assistance due to the nature of their disabilities. Assistance, in addition to any assistive device that has been provided to an employee with a disability could be in the form of a person who assists the employee with a disability.

17.2 Such persons who assist employees with disabilities could be categorized into two:

17.2.1 **Personal Assistant:** in the context of disability management within the workplace, this would be a person who provides work-related services to an employee who needs such a service; and

17.2.2 **Caregiver:** This is a person who provides services of a personal nature to an employee with a disability. A care-giver at home can be utilized to assist even at the working environment. This would include, amongst others, feeding; taking an employee to the bathroom, clothing, etc.

- 17.3 An employee with a disability who, as a result of the nature and / or seriousness of a disability, needs the services of a personal assistant must be provided with same by the employer to enable him or her to discharge his or her duties;
- 17.4 Specialist services may be utilized to establish whether a need does exist for the provision of such a personal assistant; and
- 17.5 An employee with a disability who needs the services of a caregiver must be responsible for such a caregiver as services provided are of a personal nature (not work-related).

## **18. GENERAL ISSUES**

- 18.1 The provision of reasonable accommodation measures commences with recruitment, and terminates upon exit from the public service;
- 18.2 An employer has an obligation to enquire about the reasonable accommodation needs of a candidate with a disability during the interview process;
- 18.3 On appointment, an employee with a disability can only commence with duties when reasonable accommodation needs have been met, or the necessary assistive device has been acquired and provided to him or her; and
- 18.4 All disciplinary proceedings involving people with disabilities must take into account all reasonable accommodation needs of the employee with a disability that may include the following: sign language interpreter, charges being in an accessible format for a person with a visual disability, e.g. Braille or some other format which is accessible for people with visual impairment; or accessible venue or facilities for employees with a physical disabilities.

## **19. INTERPRETATION**

- 19.1 It needs to be noted that any Reasonable Accommodation policy depends on how the employer interprets the policy, and the expectations of the employee with a disability in terms of the policy. There will always be some gray areas in a policy where the needs of people with disabilities, in their perceptions, are not adequately and completely covered by the policy;

19.2 It is further submitted that the success of any policy on reasonable accommodation is dependent on a common understanding of the meaning of Reasonable Accommodation and Unjustifiable Hardship by both the employers and the employees with disabilities, and some form of debate on this issue should be facilitated in the workplace, and consensus reached as to the boundaries that pertain to the sphere of reasonable accommodation and the provision of assistive devices for employees with disabilities in the Public Service workplace; and

19.3 An employee who has been unreasonably and unfairly refused reasonable accommodation may institute grievance proceedings in terms of the existing grievance procedures in the public service.

**20. REVISION OF THE POLICY**

This policy shall be reviewed after five years.

**21. EFFECTIVE DATE**

This policy shall take effect after the first day of signature.

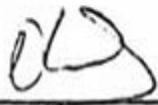
**22. REPORTING REQUIREMENTS AND MONITORING AND EVALUATION**

22.1 Departments shall report progress in line with the JobACCESS Strategic Framework on the Recruitment, Employment and Retention of Persons with Disabilities in the Public Service on a six monthly basis; and

22.2 Department of Public Service and Administration will monitor the implementation of this policy through annual reporting process;

**APPROVAL BY THE EXECUTIVE AUTHORITY**

Policy Approved:



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**MR. COLLINS CHABANE, MP**  
**MINISTER FOR PUBLIC SERVICE AND ADMINISTRATION**  
DATE: 3/12/14